

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED

2012 OCT -2 P 2:45
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

HAUSMANN-ALAIN BANET,
a/k/a Anzoumana Ousmann Gbane,
a/k/a Gbane Anzoumana,
a/k/a Ousmann Gbane, a/k/a
Ousmann Gbane Anzounan Banet,
a/k/a Ousmann-Alain Gbane,

DEFENDANT(S).

INDICTMENT

VIOLATIONS: 18 U.S.C. § 1343—Wire Fraud; 18 U.S.C. § 1341—
Mail Fraud; 18 U.S.C. § 1957—Money Laundering; 18 U.S.C. §§
981, 982 & 28 U.S.C. § 2461(c) —Criminal Forfeiture

A true bill.

J. Schen
Foreman

Filed in open court this 2nd day of October 2012

Karen L. Spero
KAREN L. SPERO

Clerk

Joseph C. Spero
JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE

Bail, \$

no bail must be set

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Cts 1-6, Wire Fraud - 18 U.S.C. § 1343; Cts
 7-17, Mail Fraud - 18 U.S.C. § 1341; Cts 18-23,
 Money Laundering - 18 U.S.C. § 1957;
 Criminal Forfeiture

☐ Petty
☐ Minor
☒
PENALTY:

See Attachment A

PROCEEDING
 Name of Complainant Agency, or Person (& Title, if any)
 Federal Bureau of Investigation, SA Leland Castro

☐ person is awaiting trial in another Federal or State
 Court, give name of court

☐ this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on
 motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a
 pending case involving this same
 defendant

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.
 Name and Office of Person
 Furnishing Information on
 THIS FORM

Melinda Haag

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

Denise Marie Barton

 Name of District Court, and/or Judge/Magistrate Location.
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

ANN-ALAIN BANET

COURT NUMBER

CR 12 715

DEFENDANT

IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons
 was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No } If "Yes"
 give date filed
DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 *Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

ATTACHMENT A

HAUSMANN-ALAIN BANET,

a/k/a Anzoumana Ousmann Gbane,
a/k/a Gbane Anzoumana,
a/k/a Ousmann Gbane,
a/k/a Ousmann Gbane Anzounan Banet,
a/k/a Ousmann-Alain Gbane

Cts 1-6: Wire Fraud - 18 U.S.C. § 1343

*20 years imprisonment; fine of twice the gross gain/loss; 3 yrs SR supervised release; \$100 SA;
Restitution*

Cts 7-17: Mail Fraud – 18 U.S.C. § 1341

*20 years imprisonment; fine of twice the gross gain/loss; 3 yrs SR supervised release; \$100 SA;
Restitution*

Cts 18-23: Money Laundering –18 U.S.C. § 1957

*10 years imprisonment; fine of twice the gross gain/loss; 3 yrs SR supervised release; \$100 SA;
Restitution*

MELINDA HAAG (CABN 132612)
United States Attorney

FILED

2012 OCT -2 P 2:39

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HAUSMANN-ALAIN BANET,
a/k/a Anzoumana Ousmann Gbane,
a/k/a Gbane Anzoumana,
a/k/a Ousmann Gbane,
a/k/a Ousmann Gbane Anzounan Banet,
a/k/a Ousmann-Alain Gbane,

Defendant.

CR 12 715 WHA

VIOLATIONS: 18 U.S.C. § 1343—Wire
Fraud; 18 U.S.C. § 1341—Mail Fraud; 18
U.S.C. § 1957—Money Laundering; 18
U.S.C. §§ 981, 982 & 28 U.S.C. § 2461(c)
—Criminal Forfeiture

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

At all times relevant to this Indictment:

Introductory Allegations

1. HAUSMANN-ALAIN BANET (a/k/a Anzoumana Ousmann Gbane, a/k/a Gbane Anzoumana, a/k/a Ousmann Gbane, a/k/a Ousmann Gbane Anzounan Banet, a/k/a Ousmann-Alain Gbane) resided in San Francisco, California. BANET was the President and Chief Executive Officer of Lion Capital Management Group, LLC (Lion Capital), which had its

INDICTMENT

principal place of business in San Francisco, California. Lion Capital was the investment manager for the Lion Absolute Value Fund, L.P.

2. S.W. was an individual who resided in Rochester Hills, Michigan, and Kankakee, Illinois.

3. The S.W. Trust was a trust registered in Michigan. S.W. was the trustee of the S.W. Trust.

4. The P.W. LLC was an Illinois limited liability company with a principal place of business in Kankakee, Illinois. S.W. was its managing member.

5. The S.L.W. IRA was a retirement account in the name of and held for the benefit of S.W.

Scheme and Artifice to Defraud

6. Beginning not later than November 2008 and continuing through August 2011, both dates being approximate and inclusive, BANET obtained a total of approximately \$544,000 from S.W., who was acting on behalf of the S.W. Trust, the P.W. LLC, and the S.L.W. IRA. In furtherance of his scheme, and to induce S.W. to invest with him and not to withdraw funds once invested, BANET made many material misrepresentations to S.W. and failed to disclose material facts to her, including the following false statements, representations, and material omissions:

- a. BANET falsely and fraudulently represented that he would invest the money provided by S.W. in a hedge fund and that the hedge fund trading strategy involved trading in securities;
- b. BANET falsely and fraudulently represented that he had invested the funds provided by S.W. in a hedge fund, specifically the Lion Absolute Value Fund, L.P.;
- c. BANET created false and fraudulent quarterly account statements for the S.W. Trust, the P.W. LLC, and the S.L.W. IRA that he sent to S.W. and that falsely stated that the investment accounts had sustained trading gains, when no such gains existed;

- 1 d. BANET failed to disclose that he never transferred money from the Lion Capital
2 bank account into a hedge fund account or otherwise invested the funds S.W.
3 provided, and that he spent the money for his own personal and business
4 expenses, unrelated to generating income for S.W., the S.W. Trust, the P.W. LLC,
5 and the S.L.W. IRA; and
- 6 e. BANET falsely and fraudulently represented to S.W. that she could redeem the
7 shares in the accounts of the S.W. Trust, the P.W. LLC, and the S.L.W. IRA
8 within 30 to 60 days of a request and failed to return the full amount of the stated
9 value of the shares in the accounts upon S.W.'s request.

10 COUNTS ONE THROUGH SIX: (18 U.S.C. § 1343 – Wire Fraud)

11 7. The factual allegations of paragraphs 1 through 6 of this Indictment are re-alleged
12 and incorporated herein as if set forth in full.

13 8. On or about the dates set forth below, within the Northern District of California
14 and elsewhere, the defendant,

15 HAUSMANN-ALAIN BANET,
16 a/k/a Anzoumana Ousmann Gbane,
17 a/k/a Gbane Anzoumana,
18 a/k/a Ousmann Gbane,
a/k/a Ousmann Gbane Anzounan Banet,
a/k/a Ousmann-Alain Gbane,

19 having devised a material scheme and artifice to defraud, and to obtain money and property from
20 victims by means of materially false and fraudulent pretenses, representations, and promises, and
21 by omission and concealment of material facts, did, for the purpose of executing and attempting
22 to execute that material scheme, knowingly transmit and cause to be transmitted the following
23 wire communications in interstate commerce:

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COUNT	DATE OF WIRE	DESCRIPTION OF WIRE COMMUNICATION
1	11/12/2008	\$281,917.19 wire transfer from JP Morgan Chase Bank to a Citizens Bank account in the name of Lion Capital Management LLC ending in 3453
2	11/12/2008	\$36,390.05 wire transfer from JP Morgan Chase Bank to a Citizens Bank account in the name of Lion Capital Management LLC ending in 3453
3	11/12/2008	\$26,037.37 wire transfer from JP Morgan Chase Bank to a Citizens Bank account in the name of Lion Capital Management LLC ending in 3453
4	5/22/2009	\$30,000 wire transfer from Peoples Bank of Kankakee County to a Citizens Bank Account in the Name of Lion Capital Management LLC ending in 3453
5	5/22/2009	\$80,000 wire transfer from Municipal Trust & Savings Bank to a Citizens Bank account in the name of Lion Capital Management LLC ending in 3453
6	5/22/2009	\$100,000 wire transfer from JP Morgan Chase Bank to a Citizens Bank account in the name of Lion Capital Management LLC ending in 3453

All in violation of Title 18, United States Code, Section 1343.

COUNTS SEVEN THROUGH SEVENTEEN: (18 U.S.C. § 1341 – Mail Fraud)

9. The factual allegations of paragraphs 1 through 6 of this Indictment are re-alleged and incorporated herein as if set forth in full.

10. On or about the dates set forth below, within the Northern District of California and elsewhere, the defendant,

HAUSMANN-ALAIN BANET,
a/k/a Anzoumana Ousmann Gbane,
a/k/a Gbane Anzoumana,
a/k/a Ousmann Gbane,
a/k/a Ousmann Gbane Anzounan Banet,
a/k/a Ousmann-Alain Gbane,

having devised a material scheme and artifice to defraud, and to obtain money and property from victims by means of materially false and fraudulent pretenses, representations, and promises, and by omission and concealment of material facts, did, for the purpose of executing and attempting to execute that material scheme, knowingly cause the mail matter listed below to be deposited, sent, and delivered by the United States Postal Service and interstate carriers:

COUNT	DATE OF MAILING	DESCRIPTION OF MAILING
7	1/15/2009	Lion Select Portfolio Master Fund, Ltd. Account Statement materials for the S.W. Trust and the S.L.W. IRA for the fiscal quarter closing 12/31/2008
8	4/15/2009	Lion Select Portfolio Master Fund, Ltd. Account Statement materials for the S.W. Trust, the P.W. LLC, and the S.L.W. IRA for the fiscal quarter closing 3/31/2009
9	7/15/2009	Lion Select Portfolio Master Fund, Ltd. Account Statement materials for the S.W. Trust, the P.W. LLC, and the S.L.W. IRA for the fiscal quarter closing 6/30/2009
10	10/15/2009	Lion Select Portfolio Master Fund, Ltd. Account Statement materials for the S.W. Trust, the P.W. LLC, and the S.L.W. IRA for the fiscal quarter closing 9/30/2009
11	1/15/2010	Lion Select Portfolio Master Fund, Ltd. Account Statement materials for the S.W. Trust, the P.W. LLC, and the S.L.W. IRA for the fiscal quarter closing 12/31/2009
12	4/15/2010	Lion Select Portfolio Master Fund, Ltd. Account Statement materials for the S.W. Trust, the P.W. LLC, and the S.L.W. IRA for the fiscal quarter closing 3/31/2010
13	7/15/2010	Lion Select Portfolio Master Fund, Ltd. Account Statement materials for the S.W. Trust, the P.W. LLC, and the S.L.W. IRA for the fiscal quarter closing 6/30/2010
14	10/15/2010	Lion Select Portfolio Master Fund, Ltd. Account Statement materials for the S.W. Trust, the P.W. LLC, and the S.L.W. IRA for the fiscal quarter closing 9/30/2010
15	1/15/2011	Lion Select Portfolio Master Fund, Ltd. Account Statement materials for the S.W. Trust, the P.W. LLC, and the S.L.W. IRA for the fiscal quarter closing 12/31/2010
16	4/15/2011	Lion Select Portfolio Master Fund, Ltd. Account Statement materials for the S.W. Trust, the P.W. LLC, and the S.L.W. IRA for the fiscal quarter closing 3/31/2011
17	7/15/2011	Lion Select Portfolio Master Fund, Ltd. Account Statement materials for the P.W. LLC and the S.L.W. IRA for the fiscal quarter closing 6/30/2011

All in violation of Title 18, United States Code, Section 1341.

COUNTS EIGHTEEN THROUGH TWENTY-THREE: (18 U.S.C. § 1957 – Money Laundering)

11. The factual allegations of paragraphs 1 through 6 of this Indictment are re-alleged and incorporated herein as if set forth in full.

12. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant,

HAUSMANN-ALAIN BANET,
a/k/a Anzoumana Ousmann Gbane,
a/k/a Gbane Anzoumana,
a/k/a Ousmann Gbane,
a/k/a Ousmann Gbane Anzounan Banet,
a/k/a Ousmann-Alain Gbane,

did knowingly engage and attempt to engage in monetary transactions in criminally derived property of a value greater than \$10,000, that was derived from specified unlawful activity, namely, mail fraud and wire fraud, as alleged above in Counts One through Nine, in violation of Title 18, United States Code, Sections 1341 and 1343, as follows:

COUNT	DATE	NATURE OF MONETARY TRANSACTION
18	11/20/2008	Check number 1361 for \$33,878.56 paid to Greenberg Traurig from a Citizens Bank account ending in 3453 in the name of Lion Capital Management LLC
19	11/20/2008	Check number 1375 for \$11,732.99 paid to TIAA-CREF from a Citizens Bank account ending in 3453 in the name of Lion Capital Management LLC
20	4/7/2009	Check number 1420 for \$18,267.01 paid to TIAA-CREF from a Citizens Bank account ending in 3453 in the name of Lion Capital Management LLC
21	4/14/2009	Check number 1418 for \$15,004.50 paid to Greenberg Traurig from a Citizens Bank account ending in 3453 in the name of Lion Capital Management LLC
22	7/16/2009	Debit paid for \$17,640.13 paid to Cimarron Trustee Debits from a Citizens Bank account ending in 3453 in the name of Lion Capital Management LLC
23	7/29/2009	Check number 1444 for \$25,000.00 paid to Greenberg Traurig from a Citizens Bank account ending in 3453 in the name of Lion Capital Management LLC

All in violation of Title 18, United States Code, Section 1957.

FIRST FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C), § 982(a)(2), and 28 U.S.C. § 2461(c) — Forfeiture of Fraud Proceeds)

13. All of the allegations contained in this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the

provisions of Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

14. Upon a conviction for the offenses charged in Counts One through Seventeen above, the defendant,

HAUSMANN-ALAIN BANET,
a/k/a Anzoumana Ousmann Gbane,
a/k/a Gbane Anzoumana,
a/k/a Ousmann Gbane,
a/k/a Ousmann Gbane Anzounan Banet,
a/k/a Ousmann-Alain Gbane,

shall forfeit to the United States, any property, real or personal, which constitutes or is derived from proceeds traceable to mail and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343 (as alleged in Counts One through Seventeen).

15. If any of the aforementioned property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty,

any and all interest the defendant has in other property shall be vested in the United States and forfeited to the United States pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461, and 18 U.S.C. § 982(b)(1).

SECOND FORFEITURE ALLEGATION: 18 U.S.C. § 982(a)(1)–Money Laundering Forfeiture

16. All of the allegations contained in this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 982(a)(1).

17. Upon a conviction for the offenses alleged in Counts Eighteen through Twenty-Three, the defendant,

HAUSMANN-ALAIN BANET,
a/k/a Anzoumana Ousmann Gbane,
a/k/a Gbane Anzoumana,
a/k/a Ousmann Gbane,
a/k/a Ousmann Gbane Anzounan Banet,
a/k/a Ousmann-Alain Gbane,

shall forfeit to the United States, any property, real or personal, which constitutes or is derived from proceeds traceable to mail and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343 (as alleged in Counts One through Seventeen).

18. If any of the aforementioned property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty,

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1 any and all interest the defendant has in other property shall be vested in the United States and
2 forfeited to the United States pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. §
3 982(b)(1).

4 All in violation of Title 18, United States Code, Sections 981(a)(1)(A),
5 981(a)(1)(C), 982(a)(1) and (2), and Title 28, United States Code, Section 2461(c), and Rule 32.2
6 of the Federal Rules of Criminal Procedure.

7
8
9 DATED: October 2, 2012

A TRUE BILL.

10 J. Nelson
FOREPERSON

11 MELINDA HAAG
United States Attorney

12 J. Douglas Wilson for
13 MIRANDA KANE
Chief, Criminal Division

14
15 (Approved as to form: Dennis H. Barton
AUSA BARTON

United States District Court
Northern District of California

FILED

2012 OCT -2 P 2:45

CRIMINAL COVER SHEET

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Instructions: Effective
Defendant Information Form

Sheet must be completed and submitted, along with the
use place this form on top of the Defendant Information Form.

Case Name:

USA v. HAUSMANN-ALAIN BANET

Case Number
CR 12 715

Total Number of Defendants:

1 ☒ 2-7 _____ 8 or more _____

Is This Case Under Seal?

Yes ☒ No **WHA**

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes _____ No ☒

Venue (Per Crim. L.R. 18-1):

SF ☒ OAK _____ SJ _____

Is this a death-penalty-eligible RICO Act gang case?

Yes _____ No ☒

Assigned AUSA (Lead Attorney):

Denise Marie Barton

Comments:

Date Submitted:

10/2/2012